

Message

From: Brink, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93E991CDF0C345789A6EF6DDFEBBCACA-BRINK, THERESA]
Sent: 5/6/2021 7:17:57 PM
To: Ethan Vorhes [Ex. 6 Personal Privacy (PP)]
Subject: RE: Iowa Drainage Well

Ethan,

Two IDNR staff and I will be visiting. Do you want us all to meet at 11:00 am at the corner of 260th and Jersey Avenue in Marble Rock?

Terri

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Terri Brink
U.S. Environmental Protection Agency, Region 7
Ground Water and Drinking Water Branch
11201 Renner Boulevard
Lenexa, KS 66219
913.551.7337
brink.theresa@epa.gov

From: Ethan Vorhes [Ex. 6 Personal Privacy (PP)]
Sent: Wednesday, May 5, 2021 3:00 PM
To: Brink, Theresa <Brink.Theresa@epa.gov>
Subject: RE: Iowa Drainage Well

I will be available. Thanks

Sent from Yahoo Mail on Android

On Wed, May 5, 2021 at 1:27 PM, Brink, Theresa
<Brink.Theresa@epa.gov> wrote:

Ethan,

Can you be available on May 13 at 11:00 am? Clair Hruby from IDNR and I look forward to meeting you!

Terri

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Terri Brink

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From: Ethan Vorhes { **Ex. 6 Personal Privacy (PP)** }

Sent: Tuesday, April 20, 2021 10:00 PM

To: Brink, Theresa <Brink.Theresa@epa.gov>

Subject: Iowa Drainage Well

Theresa thanks again for your time. I have so much to say about the drainage outlet for district 2 in Floyd county I don't know where to start. One thing I can say is because of how it was regulated and handled by the state and a landowner posing as a supervisor has been complicated and has ruined my life. To give some back story this outlet has never been maintained in my life until my family pressured the district into action. It all started with one of the few unsolved mysteries I have encountered. It was the spring of 2004 and my cattle grazed the cornstalks like normal until one day the water started running through the field coming from the district main. Shortly after this initial flow my cattle had an allergic reaction of sorts. It was abnormal to have water running through our property without heavy rainfall. This was the type of flow that came slow, soaking in as it ran across the top. Since this time the flow has become a constant problem. It was after a couple of years of sending in tissue samples that we began to really look into what was happening. Time has given us perspective on the situation through a number of symptoms and actions. An example is that we don't have a problem until hooved animals walk across the waterway area in our fields. The problem persisted for many years and may even today, but we do our best to keep our animals out of the fields. In looking for a cause and solution we turned our attention to the drainage well associated with drainage district two. The first symptoms presented itself around the same time as the water start commonly flowing through our property. Having spent many years looking at the situation I do believe that this drainage system was the cause of our troubles. I believe as district landowners ignored their own poor drainage our farm was taking more than just their excess water. It is our belief that because of the broken tile system the farm chemicals meant to control weeds and or other pest were carried off and washed onto our farm. This all happened because the main has had back pressure on it since it was not maintained properly. This caused water to run in reverse over large areas. This broken tile system would explain where the chemicals came from. Hair loss has been the key symptom and could be a simple zinc deficiency caused by lack of bioavailability. Glyphosate chelate's zinc and is used on nearly every acre every year multiple times in the drainage district. I lost many calves, cows, struggled with fertility as well as diseases like Johanes because of the inability to allow my cattle out of confinement. Beyond the damages caused to our livestock has been the excessively wet soils and a near constant flow of water and a rising water table. The damages to our crops have been extreme as well. We have sustained damages to as much as a third of our farmland on a continual basis since the early 2000's. These damages have absolutely been caused by the mismanagement of the drainage districts outlet. I documented the drainage and the overflow in pictures and videos for around six years leading up to our trial against Floyd county. During our trial I showed videos and pictures of the

damages to the crops, cattle and our home. I laid out how I started investigating the outlet and concluded showing how it was still broken. During my testimony I showed the evidence that proved this outlet had been misclassified characterizing it as an improved sinkhole. The evidence included the excavator lifting its rear off the ground while trying too low the bed rock only a couple of inches as well as when the concrete crew set the forms for the footing it had to be drilled because there was no fracture stone to drive stakes into the ground. I also showed where water did not actually pass through the cistern for around a year and a half. Blowouts in the main line leading to the cistern had blown out after the first rain and were shown over and over. A couple of these blowouts near the road just became inlet/ relief lines draining to the surface where it would travel down to our farm as surface water. Another issue I have with the district is the fact that they have had surface inlets in this system for as long as I can remember. These should have been removed decades ago to protect the groundwater from surface contamination. These intakes do offer relief for the pressured main, but also change the nature flow of water from subsurface back to surface where it then flows out of the district and causes extraordinary damages to downstream neighbors. During my testimony I showed where the water comes running out of the district after misty days without ever having substantial rainfall rates as well as a prolonged flow leaving the district taking weeks to drain down the district and up to a month before we stop having surface water on our farm and a high water table drowning out our home. During the trial the county hired Lyle TeKippe to show a drainage model where the surface water flow from our water shed would be gone in 24 to 36 hours. This was a key point that the court and appellate court got hung up on. Instead of seeing the outlet as misclassified and a still broken they focused on denying that we had any damages that could be proved to come from the district and if we were responsible for not improving our own land. Amongst the violations connected to this drainage district is a unpermitted sewer connected to the drainage system. Shortly after the cistern was replaced a number of occurrences happen to coincide with the first rain after replacement. The most appallingly thing I discovered was there was a sewer hooked into the tiles which was outletted in the road ditch. Upon inspecting the tiles after the first rain I noticed a decrease in flow coming out of the intake at the corner of 260th Street and Jersey Avenue. As I continued to inspect the drainage system I realized that there were many blowouts in the main line leading from the road area near the Cafo in the drainage district down to the cistern. This showed that the lines leading to the corner are connected to the district main. As I recall it wasn't until later inspections that I had noticed the area around the orange intake riser in the ditch was covered with toilet paper. At one point I found a used condom stuck trying to come out of the riser pipe. I also documented large numbers of small snail shells that had washed out of the pipe. This apparently happens because out the sewer system. All of this was shown in court as well as the tile lines origination. Leo Staudt was the center figure for this drainage district and the cause of most of the problems. The mystery sewer connected to the system comes from the house owned by the long time supervisor who was supposed to oversee the drainage district. On historical aerial images taken from Iowa states topographical maps tiles lines were sketched showing the connection from the corner and the house. In writing Leo Staudt name was signed on the map. It even has an x depicting where the water coming out of the drainage system. Went down a drainage well that was reclassified an improved sinkhole per Floyd county. Floyd county is most responsible for all the damages in my opinion because they are responsible for the district. The county has the responsibility to keep the records of the district. There are no elections, switch of power from the county supervisors to Trustees. My opinion is affirmed by the county when they hired counsel and experts on their behalf to defend their actions. Leo Staudt was one of these supervisors. Leo had served as a county supervisor for nearly 20 years. He acted as a liaison for the district in which his family had a heavy ownership stake in. It was this relationship as a landowner and a regulator that created an opportunity for abuse. When the primary outlet for the drainage district was reclassified it was Leo Staudt that had stood on the road and discussed it with Jack Reisen from the Iowa Dnr. That day Leo Staudt posed as a Supervisor asking for a reclassification as a landowner. The paperwork was mailed to the county as if the state was dealing with the county. After the outlet became a controversy the county indicted no responsibility for the drainage system. Gary Gerhardt had hired MD Allison attorney at law to find out who was responsible for the broken down tile system in his field. It was Allison's findings that confirm this longstanding abuse of power by Leo and Floyd county. Upon visiting the court house Mr Allison was informed the county does not govern the district, but that trustees do. Upon inspection of the records there were no from the time of formation until current. There was no transfer of responsibility from the county to any trustees or current officers. It was the same way years later when we attempted to resolve our issues. The county and the district bounced responsibility back and forth making it unclear who was responsible. Ultimately the county claimed responsibility during the trial. Since this time the county has went back to its trustee district governed by landowners. Leo Staudt has since retired and died. His son Mike leads what is now the district. They have never acted legally. My aunt Jean Westendorf owns two parcels of land within the district and has never been notified of a meeting, an election or any formal communication. It has been back to business as usual for the Staudt

family and Floyd county. Having made many attempts to resolve the sewer issue it is still connected to the distinct tiles today. After the trial Jeff Sherman acting as the local county sanitarian has not done his job. He has been told several times about the water quality violations. After pushing the issue Jeff made site visits inspecting sewers in the area. Several years after not seeing any change I approached Jeff's office in person to follow up. Jeff had informed me he checked all the sewers in the area but one, the one that I testified that it was obviously by the tile maps. This house belonged to Leo Staudt and was occupied by his son Mike Staudt. It is probably worth mentioning at this point that my oldest sister married Leo's son Mike. This should help give some perspective as to why I have some uncommon knowledge and a history of communications with the district representatives. Upon another visit to Jeff Sherman's office he indicated that he had not inspected the Staudt homestead for a legal sewer, but was going to get out there in the coming weeks. Again many years have passed and I never seen any excavation or evidence that a proper sewer system was installed. Another abuse of power was how Leo Staudt had persuaded the county engineer's office into involvement in what was regards a trustee district. Leo Staudt had requested the reclassification of the outlet located on the Gerhardt property, but it was the county engineer Lyle Lartz. Who requested the second outlet in the ditch to be reclassified. One question that was never answered is what information does the county have about the formation of these outlets. There is nothing recorded or ever been presented as evidence. To the contrary my grandfather and great uncle dug and dynamited these outlets. The current cistern structure was designed by the county engineer Dustin Rolando as he signed his sketch which was used in court. This is another issue of the county being directly involved with what seems to be a trustee district. This was all done under the direction of Leo Staudt. The goal for the landowners of drainage district two was to not spend money for their drainage. In the letter requesting reclassification of the outlet Leo stated we would like clarity because we feel it would be costly to fix the outlet and then close it. He also concluded his letter by stating please let us know so we can proceed with our plans to repair the outlet. In the ten years following that request not on action had been taken except the evasion of responsibility. Not a single site visits from the Iowa Dnr or the Epa who regulated from that point on until I pushed the issue and in the spring of 2009 had the Epa come out and meet with the Dnr, Floyd county public health, the district, and my family. In early discussions with Kurt Hildebrand he informed me that they were going to close the outlet. After a few months of not seeing any action I called back to Kurt and he said "after talking with the Iowa Dnr we decided not to micro manage your state rules". Iowa has zero rules to regulate injection wells only ag drainage wells. In the decade since this conversation Iowa has not adopted or attempted to regulate improved sinkholes. Even though I testified in open court that the hole was improperly classified based on hard evidence and that it was broken still nobody attempted to remedy the problems. I contacted the Dnr many times talking with directors and deputy directors. I talked with Idals and they attempted to make a site visit at my request but were denied access to the site. I repeatedly was told that the issue has already been looked at and the fact that we had been in court affirmed the decisions that nothing could be done. I sent pictures depicting what I described to officials showing the evidence that it was improperly classified and still polluting our groundwater. No action has been taken to remedy the decades of ongoing pollution. I question who said what to Kurt? What were their intentions. In over ten years the state did nothing. It seems that deception is the name of the game when it comes to this situation. There are many reasons that this hole should have been closed. In July of 1999 the same month that the outlet would have been required to close or become permitted. Over 500,000 gallons of manure was spilled when heavy rains caused flooding conditions. The flood waters carried manure and other pollutants to the exposed outlet and carried them to our drinking water. Wells at the Gerhardt property as well as the well for the cafo both tested positive for fecal contamination days later. This spill and positive well sample show a direct correlation between the hole and our water supply. It is absurd to think that over thirty years of surface water draining into this outlet has led to anything, but a cancer causing public safety threat. Looking at the groundwater quality response to closing agricultural drainage wells in Floyd county we can clearly see that even without surface inlets that chemical and fertilizers still are able to make it into our water supply. To circle back to some of the evidence that I seem and will be showing you, is that the cistern structure is built on solid stone. It was nearly a year and a half after the structure was poured before a whole had blown out under the footing. This hole is on the east side of the structure. In multiple videos and photos I can show that water comes out there, but travels around the structure before heading down to the original drainage well hole. This proves that it was not a sinkhole, and that there is no fractured stone under the cistern. I did see evidence of this early on before the blowout when water would run out of the pond area in the Gerhardt field and channel its way around the structure. I know that there is a crevice in the area under the pond. That is taking water out of an underground blowout in the main. During the replacement of the old structure I captured video of running water falling, but not coming out the outlet. After the new structure was built water didn't go through the structure as designed the only way it escaped was draining back up to the break. This was apparent by the loud roar of the water and the flow going back into the tile. I would not be chartering this

as a sinkhole yet, but in as we allow water to dissolve the dolomite we sure are looking at a potential collapse. Containing contaminated surface water will be much harder after this occurs. As with the outlet near the Intersection if we have an outlet near the road how long before it accelerates a collapse and creates a containment issue, or some gets hurt driving over it. Like I have said before my grandfather dug the hole near the road with the Gerhards. It is long lost knowledge passed down from generations that because of an abuse of an elected office was able to create a legal loophole to avoid regulations, forcing closure, spending any money, or having any responsibility. I have no doubt this district and there rampant abuse of power by the county has caused our damages, but made us whistle-blowers. Since the time we had problems with our cattle becoming sick we have been treated horribly by our neighbors and county. We believe that because of our water quality advocacy and attempts to remedy the pollution that the local courts have conspired to bankrupt and disrupt or ability to fight this battle. We have been bankrupted not only for all the losses, but by not being able to get a fair trial in our county. I have felt the discrimination against any time I have dealt with county officials from trying to get culverts fixed in driveways to my own child support cases. It seems that regardless the law or the evidence the courts seem to cherry pick what works for them to rule against us or seemingly keep us down. The issue still remains the outlet is inadequate and should be rerouted to the Shell Rock river as suggest in 1993 by Idals. Closing the drainage well will solve contamination issues and alleviate the toxic runoff. If the state would look at the outlet it should see that it is intact a well and should qualify for state funding for closure. This should solve our concerns with regulation and other pollution issues. I'm sure this was more than you were expecting, but I'd be surprised if you didn't have questions. I have a bunch of evidence to prove all of this, most all of it was in our suite with the county, but evidence gathering has continued since then. Let me know what more you need Thanks Ethan

Sent from Yahoo Mail on Android